



CALIFORNIA STATE BOARD OF EDUCATION

SEPTEMBER 2004 AGENDA

☒ Petition Waiver

SUBJECT Petition request under <i>Education Code</i> Section 60200(g) by Fresno County Office of Education to purchase nonadopted Instructional Resources for "special education students" using carryover Instructional Materials Fund (IMF) monies. (List attached). Waiver Number: 8-6-2004	<input checked="" type="checkbox"/> Action <input type="checkbox"/> Consent
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RECOMMENDATION

☐ Approval ☒ Approval with conditions ☐ Denial

The California Department of Education (CDE) recommends approval of this petition for the period of September 1, 2004, through August 31, 2006.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Petitions for the purchase of nonadopted instructional materials are reviewed by CDE staff in accordance with the State Board of Education (SBE) Policy for IMF Petitions. The provisions of law governing state allocations for the purchase of instructional materials were significantly changed by Assembly Bill 1781 (Chapter 802, Statutes of 2002), which established the Instructional Materials Funding Realignment Program (IMFRP). However, local educational agencies were allowed to carry over state instructional materials allocations from previous years and spend them in accordance with previously existing provisions. The SBE has approved four similar petition requests for the use past allocations to purchase nonadopted instructional materials for special education students.

SUMMARY OF KEY ISSUES

The **Fresno County Office of Education** (COE) requests approval of its petition pursuant to *Education Code* Section 60200(g) which states that if a local governing board establishes to the satisfaction of the SBE that the state-adopted instructional materials do not promote the maximum efficiency of pupil learning, then the SBE shall authorize the use state instructional materials allocations to purchase non-adopted materials as specified by the SBE.

The Fresno COE is petitioning to purchase materials from the attached list for use in the county special education programs serving approximately 600 severely disabled students in 32 school districts throughout Fresno County. These students have Individualized Education Programs (IEPs) with specific goals and objectives that meet their individual academic needs. A compelling case is made that, due to the severity of their disabilities, the adaptive instructional materials and software requested under this petition are required for these students to reach the goals outlined in their IEPs.

The Fresno COE states that teachers and parents have requested access to educational technology and alternative materials that are modified for students with cognitive defects. Staff development shall be provided to teachers and staff to train them in using the adapted hardware, software, and modified curriculum. The Fresno COE's narrative provides a description of the student population, as well as the need for and anticipated use of the materials.

Typically, a review for legal and social compliance is required for instructional materials purchased with state allocations. However, all of the materials specified on the Fresno COE's list are exempt from legal and social compliance review.

The Fresno COE is requesting approval of this petition for carryover state instructional materials allocations because it intends to use its current IMFRP funds to purchase standards-aligned materials.

Authority for Petition: *Education Code* (EC) Section 60421(d) and 60200(g)

Period of request: Unspecified in petition. The CDE recommends that the petition be approved for the period of September 1, 2004, through August 31, 2006.

Local board approval date(s): May 20, 2004

Public hearing held on date(s): Public viewing 1/20/04 – 2/20/04

Public hearing advertised by (choose one or more):

☐ posting in a newspaper ☐ posting at each school ☐ other (specify)

FISCAL ANALYSIS (AS APPROPRIATE)

The state funds affected by this petition have already been allocated to the Fresno COE. Therefore, this petition would have essentially no impact on the level of state or local funding. The petition's exclusive effect would pertain to the manner in which the already-allocated state funds may be expended by the Fresno COE.

2001-02 and 2002-03 Carryover Funds affected by this petition	\$29,394
Estimated cost of specified instructional materials	\$29,394
Percent of Carryover Funds to be used for purchase of specified materials	100%

BACKGROUND INFORMATION

Action Item: Some documentation is available for web viewing. Waiver forms and other hard copy documents are available for viewing at the Waiver Office or State Board Office.